IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 11433 of 2005(J)

PETITIONER:

C.V.ANILKUMAR,
CHIRAMMEL HOUSE, NETHAJI ROAD,
ALUVA.

BY ADV. SRI.K.L.VARGHESE

RESPONDENTS:
----

1. THE STATE OF KERALA REPRESENTED
BY THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SECRETARY,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER,
PWD BUILDINGS & LOCAL WORKS,
THIRUVANANTHAPURAM.

4. THE SUPERINTENDING ENGINEER,
PWD BUILDINGS & LOCAL WORKS,
THRISSUR.

5. THE EXECUTIVE ENGINEER,
PWD BUILDINGS & LOCAL WORKS,
ERNAKULAM.

BY SPL. GOVERNMENT PLEADER SRI. M.P. PRAKASH(FINANCE)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO: 11433/2005 J

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE ORDER DT. 28/3/2005 IN WPC NO. 9096/2005 OF THIS COURT.

EXT.P2. COPY OF THE GO RT NO. 617/2006/FIN DT. 27/1/2006.

[True Copy]

Tga

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11433 OF 2005-J

JUDGMENT

The petitioner did the work of construction of a building for Post Metric Hostel for girls in the Cochin University Campus, pursuant to the agreement dated 15.12.2003. He submits, the final bill has been presented on 7.3.2005. On coming to know that overlooking priority, others are being paid, this Writ Petition was filed. During the pendency of the Writ Petition, the Government have issued order dated 27.1.2006, which is produced as Ext.P2, releasing about Rs.24 crores, so that the entire bills registered up to 31.3.2005 could be cleared. If that be so, the petitioner's bill registered on 7.3.2005 should have been paid by the State. But, the petitioner submits, till date, the amount has not been released.

2. The 5th respondent has filed a statement, stating that this being an externally sponsored scheme, the amount can be paid only on receipt of a special letter of credit from the 2nd respondent. It is also stated that the work does not come under the purview of the general letter of credit. If that be so, the 2nd respondent is directed to take a decision on issuing special letter of credit, so that the 5th respondent could pay the amount due to the

petitioner under the aforementioned bill registered on 7.3.2005, within one month from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

7th February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/